

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte KAZUNARI YOSHIDA et al.

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Appeal No. 2002-0990  
Application 09/551,871

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**MAILED**

SEP 23 2002

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

ORDER REMANDING TO EXAMINER

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A Reply Brief (Paper No. 15) was entered on May 3, 2002 in response to an Examiner's Answer entered on March 7, 2002 (Paper No. 13), along with an Associate Power of Attorney (Paper No. 14) and a Request for Oral Hearing (Paper No. 16).

In accordance with the revision effective December 1, 1997, Title 37, Code of Federal Regulations, § 1.193 states:

(b)(1) The primary examiner must acknowledge receipt and entry of the reply brief or withdraw the final rejection and reopen prosecution to respond to the reply brief.

**Appeal No. 2002-0990**  
**Application 09/551,871**

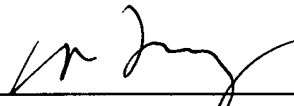
**In view of this revision, the examiner must acknowledge receipt and entry of the Reply Brief. Otherwise, if the examiner chooses to respond to the arguments presented in the Reply Brief, the examiner needs to reopen prosecution in order to respond to the Reply Brief (Paper No. 15).**

**Accordingly, it is**

**ORDERED that the application be remanded to the examiner for consideration of applicants' Reply Brief, and for such further action as may be appropriate.**

**It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).**

**BOARD OF PATENT APPEALS  
AND INTERFERENCES**

  
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**CRF:llf**